REMARKS

OF

HON. W. McKEE DUNN,

OF INDIANA.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, APRIL 23, 1862.

The House having under consideration the bill (H. R. No. 106) to confiscate the property and free the slaves of rebels, Mr. DUNN said:

Mr. SPEAKER. I believe the gentleman from New York [Mr. OLIN,] moved to refer the whole subject of confiscation to a special committee.

Mr. OLIN. My motion is to refer the whole subject to a special committee to be appointed by the chair.

Mr. DUNN. I was much gratified to hear the motion of the gentleman from New York. Questions respecting the confiscation of the property of rebels, and the policy to be pursued towards the States in rebellion, are the most difficult we have before Congress, and upon their proper decision may depend the great question, whether or not this government is to be restored to its former state of peace and prosperity. I confess, sir, that I have been greatly grieved at the haste which has been manifested by the House, to dispose of matters of such grave importance, and I congratulate the House and the country, that we have just now laid upon the table a bill, the enactment of which into a law, would have disgraced the civilization of the age. If the vote had been taken on this bill before our adjournment yesterday, as its friends endeavored to have done, I believe it would have passed. A night's reflection has brought the House to a wise conclusion. I am in favor of the motion of the gentleman from New York to refer the whole matter of confiscation to a select committee. Let this subject have the deliberate consideration its importance demands. Our action upon it may involve the life of the nation.

If I represented a Latin State, I would say "*in medio ibis tutissimus;*" but as I am a representative of a people, who speak plain English, and fight in plain English, I will say the true policy of our nation is to adopt moderate counsels, and pursue them steadfastly. It is neither good policy for an individual or a nation to insist on extreme rights or extreme measures. We should deliberately consider and wisely adopt those untried measures which the exigencies of the country may make it necessary for us to adopt. But those who bring forward such measures for our action, seem disposed to crowd them through under the stringent rules of the House, without fair opportunity for debate or amendment. It is but a few days since we passed the bill for the immediate emancipation of the slaves in this District. I struggled, but in vain, to secure for that important measure the deliberate action of this House. I voted for it notwithstanding its

imperfections. The President, in returning the bill with his approval, administered to us not an unmerited rebuke, for the inadequacy of its provisions.

Now, sir, what is the bill which we have just laid on the table? It is bill No. 107, introduced by the gentlemau from Ohio, (Mr. BINGHAM.)

Be it enacted, &c. That if any person or persons, within any State or Territory of the United States, shall willfully, after the taking effect of this act, engage in armed rebellion against the Government of the United States, or shall willfully aid or abet such rebellion, all the property, moneys, stocks, credits, and effects of such person or persons, are hereby declared lawful subjects of prize and capture, wherever found, for the indemnity of the United States against the expenses of suppressing such rebellion; and it is hereby made the duty of the President of the United States, to cause all such property, wherever found, to be seized, to the end that the same may be confiscated and condemned, as hereafter provided, for the use of the United States.

SEC. 2 *And be it further enacted,* That all property so captured or seized shall be condemned in the district courts of the United States, and that the proceedings of condemnation shall be *in rem*, and shall be instituted and prosecuted in the name of the United States, in any district court of the United States, or the district court for the District of Columbia, within any district in which the same may be seized or situate, or into which the same may be taken and proceedings first instituted, and which proceedings shall conform as nearly as may be to proceedings in prize cases, or to cases of forfeiture arising under the revenue laws; and in all cases the property so seized and condemned, whether real or personal, shall be sold pursuant to such rules as the Secretary of the Treasury may prescribe, and the proceeds deposited in the Treasury of the United States for the sole use of the United States.

SEC. 3, *And be it further enacted,* That the Attorney General or any district attorney of the United States of any district in which the said property and effects may at the time be, or into which the same may be taken, shall institute the proceedings of condemnation as hereinbefore provided.

I will briefly discuss the merits of this bill, although it is defeated, because it is but one of a dozen or more of like character that are ready to rise up out of its ruins, and which may be put under the previous question, and thus prevent either debate or amendment. It makes no discrimination between the leaders of this rebellion and its victims. It gives no day for repentance. The information of the probable passage of the act could not reach those to be most affected thereby, as all the usual means of transmitting intelligence to the rebel regions are suspended. It is a Draconian law, and the President is ordered to execute it. It matters not how ignorant the soldier in arms against his Government may be, nor under what delusions and prejudices he may have become involved in this insurrection; it matters not that the country has been unable to protect him if loyal; it matters not that he may have volunteered to serve in the rebel army to avoid being impressed by the "shoulder tappers," acting under the authority of a military despotism—in his absence, without his knowledge, with no opportunity to lay down his arms to escape the penalties of the law, *all* his property is to be "seized," and his wife and his children, his father and his mother, all who may be dependent upon his property for subsistence, are to be turned out into the world paupers. *All* his property is to be seized and sold. Not only, if he has them, his houses and his lands, his cotton and his tobacco, his wheat and his corn, his sugar and his rice, his cattle, his swine, his beasts and implements of husbandry, but his household furniture and the very bed on which his wife and children sleep. This bill would take from the family of the soldier the cow that gave them milk, the meal from their tray, and the meat from their barrel. It would seize and sell the bed on which dependent, trembling age rests itself, and the covering that keeps warm the infant sleeping in its cradle. The widow

dependent upon a rebel son, the orphan sister dependent upon a rebel brother, the aged and the young, the rich and the poor, the sick, the halt, the lame, the lunatic, the imbecile—all ages, sexes, and conditions are to be involved in this common ruin. We would strip the rebels and their families of all their property, deprive them of food, and turn them out naked into the world, a nation of paupers; and we profess to be a Christian nation, and ours claims to be a parental Government, and this is our grand scheme of pacification! Was ever such a proposition made before in the councils of a civilized nation? In the name of our common humanity, which it should be our effort to elevate and bind together by kindliest sympathies; in the name of my country, whose fair record is darkened by no such statute, and in the name of Christianity, which teaches us to forgive as we hope to be forgiven, I thank Him who tempers justice with mercy, that this House has defeated a bill so cruel and disgraceful in its provisions.

Sir, I am for punishing with red hot vengeance the authors, promoters, and leaders of this wicked and unprovoked rebellion. I would "smite them hip and thigh," in the name of the Lord. They have lifted their parricidal hands against a just and beneficent government. They have deceived, misled, intimidated, and forced the people of the South into rebellion. They have filled all parts of our once happy country with lamentation and mourning. The desolate homes, the widows and orphans, made so by these wicked conspirators, and the memory of my many friends slaughtered in nobly defending their country, so fill my heart that I cannot now consider our vast public debt and increasing expenditures as among the calamities of the war. The men who brought these calamities upon our country must not escape punishment. Theirs is a crime not only against their country, but against humanity. Grievous is their crime, and grievously let it be punished. But, sir, I want a discrimination to be made in our legislation between the men who have brought about this rebellion and the masses of the people who have been involved in it. Seize, if you can, the perjured traitors who sat in the Cabinet councils of the late Administration while secretly plotting the overthrow of the Government they were under oath to support, Seize those Senators who, in the other end of this Capitol, took counsel together how they might promote rebellion, and lingered in their seats only that they might prevent all legislation needful to aid the then incoming Administration to suppress the rebellion. Seize those who sat with us in this Hall in the last Congress, and here boldly threatened treason—not only in our presence, but in the presence of an applauding auditory crowding these galleries. By their speeches in this Hall they filled the southern mind with falsehoods, educated it to treason, and fired it to rebellion. Seize the late officers of our Army and Navy, who, educated and sustained by the liberality of our Government, in the hour of its need turned their ungrateful and treacherous hands against it. Seize all who have ever taken an official oath to support the Constitution of the United States, and who are now in rebellion against it. Seize all who have sat in their State secession conventions and legislative bodies. Seize the members of their pretended congress. Seize the great pretender himself, Jefferson Davis, and all who hold military or civil authority under his usurpation. Seize the rich who have given the aid and influence of their wealth to this rebellion. Seize the leaders and promoters of a disloyal public sentiment at the South, whether in the church or the State, and punish them and all the classes I have named—so that

this rebellion shall stand alone in history, no one ever daring to enter upon an imitation of so base and hazardous an experiment.

But, sir, I draw a broad distinction between the guilt of those who have dragged the people of the South into this rebellion, and the people who, to a great extent, have been the victims of misrepresentation, fraud, and violence. And this House should draw that distinction broadly in its legislation for the punishment of rebels. I was pleased with that feature of the amendment proposed yesterday by my colleague, (Mr. PORTER.) He very truly remarked that such a discrimination would tend to divide southern counsels and distract their army. Let us show to the rebels with muskets on their shoulders that a way of reconciliation is open to them. Let them understand that they can have peace if they will lay down their arms of rebellion, and they will soon understand that their military and civil leaders are carrying on the war on private account. When this becomes generally understood among the private soldiers, we may expect to see the southern army melting like snow in the summer heat. But, sir, the classification in the amendment of my colleague (Mr. PORTER) does not embrace all the classes of men of leading position and influence who should be held to a higher responsibility for their pernicious influence in bringing on and sustaining this rebellion. I would further designate as worthy subjects of distinguished punishment the editors of newspapers, who daily or weekly have been issuing their sheets filled with falsehoods to prejudice the minds and mislead the judgments of their readers. And I would still further designate the preachers of the Gospel who have prostituted their high positions to deceive and mislead a confiding people. There are hundreds of such cases. One such occurs to me now, and as an example of the pernicious teachings of one of these apostles of treason I send to the Clerk's desk to be read an extract from a fast day sermon preached in Richmond, Virginia, in January last, by Rev. Thomas V. Moore, D. D., a pastor of one of the Presbyterian churches in that city. The Doctor declares:

"Never since the terrible scenes of La Vendée, under the ravaging hordes of republican France, has the old heathen war cry, *Væ Victis!* (woe to the conquered!) been more unmistakably sounded by an army of invaders. Let this tremendous crusade become successful, either by mismanagement in the army, or cowardise and greediness at home, and history furnishes no page so dark and bloody as that which would record the result. Our best and bravest men would be slaughtered like bullocks in the shambles; our wives and daughters dishonored before our eyes; our cities sacked, our fields laid waste, our homes pillaged and burned, our property, which we are perhaps selfishly hoarding, wrested from us by fines and confiscations, our grand old Commonwealth degraded from her proud historic place of ancient dominion, to be the vassal province of a huge central despotism, which, having wasted her with fire and sword, would compel her by military force to pay the enormous expense of her own subjugation, or, in default of this, parcel out her broad lands to insulting emigrants as a feudal reward for the rapine and murder of this new Norman conquest, while the owners of these lands must either remain as cowering factors for insolent conquerors and oppressive lords, or wander as penniless and hopeless fugitives in a land of strangers."

Thish is a rehash of Beauregard's infamous "Beauty and Booty" proclamation.

Here is a beloved pastor standing before a confiding people, and telling them that "history furnishes no page so dark and bloody as that which would record the result" if our arms were successful in subduing the South; that their "best and bravest men would be slaughtered like bullocks in the shambles; their wives and daughters dishonored before their

eyes; their cities sacked; their fields laid waste; their homes pillaged and burned," &c.

Now, if the men in his congregation believed what their beloved and eloquent pastor told them, they were cowards and poltroons if they did not rush to arms. And why should they not believe him? Dr. Moore is a northern man by birth, a native of Pennsylvania, educated in his collegiate and theological course at the North, married to his first wife at the North, settled as a pastor of a church at the North, until his eminent tallents caused him to be invited to the rich and cultivated city of Richmond to take pastoral charge of one of its largest and most influential congregations. Why should not those men of the South believe this northern man, this preacher of the Gospel, when from the sacred desk he told them that the northern people were barbarians. And yet he, under the provisions of the bill under consideration, is only to suffer a common fate with, it may be, the young men who, believing his statements and fired by his eloquence have taken up arms against their Government, supposing they were in the noble line of patriotic duty. I knew Dr. Moore well when he was a student at a college in Indiana, and I loved him much, and still love him so much that I hope he may soon find a place in Fort Warren, where he will be preserved from further danger for a while at least.

But, sir, how nobly have our gallant soldiers vindicated themselves from the charges of Rev. Dr. Moore. Was there ever a war in which private property was better protected by an invading army, or non-combatants in an enemy's country subjected to less annoyance? Our Government has endeavored to conduct this war on the established principles of civilized warfare, and to prevent it from degenerating into a system of guerrilla strife and robbery, which appears to be a favorite system with the southern chivalry.

I have sometimes thought, Mr. Speaker, that some of the measures introduced and advocated here indicated that their advocates did not desire to see us again an united people. I know that when this rebellion broke out, some persons in the country, of great influence over public opinion, advised that we should "let the South go" and acknowledge the independence of the southern confederacy. A just public sentiment compelled them to cease publicly to advocate the "let them go" policy, but I sometimes think the same persons are endeavoring to accomplish the same purpose by urging Congress to adopt a policy that will render a reunion impossible. At any rate, many of the bills presented here would, if enacted, make a reunion extremely difficult.

But, say gentlemen, the secessionists have stripped Union men of their property, and why shall we not deprive them of theirs? We shall soon arrive at a very low state of morals if we set out to retaliate in kind all the practices of the secessionists. Shall we perjure ourselves because nearly all the rebel leaders have notoriously violated their solemn oaths? They have treated our prisoners with barbarity, scalped our wounded, mutilated our dead, buried them with indignity, made drinking cups of the skulls of our hero martyrs, and pipes and trinkets of their bones. Shall we imitate their savage examples? If you do like the rebels, you will be base like them. Except your righteousness shall exceed the righteousness of the Scribes and the Pharisees, wherein are you better than they?

I would not propose the example of the usurper Davis or any of his associates as worthy of imitation by any honest or honorable man. When

I seek for examples worthy of my imitation, or that of others, I will seek for them in the annals of the good, the patriotic, the great; or I will turn to that Book of Books, which is ever "a lamp to our feet, and a light unto our path" What a noble instance of forbearance to a prostrate foe is given us by David, when Saul lay asleep at his feet, in the cave in the wilderness of Engedi. Did he slay him? No; he spared him; and when Saul was told by David how he had spared his life, "he lifted up his voice and wept," and said to David, "Thou art more righteous than I; for thou hast rewarded me good, whereas I have rewarded thee evil." That was a revenge worthy of the chosen king of Israel, and such an example of that forbearance which is often far better than severity, as is worthy of imitation by a Christian people. This war is upsetting a good many old ideas, and is establishing some new ones. An old idea it has effectually demolished, is that of southern chivalry, and one that it has established, is that of the superior civilization of the free States.

My colleague, [Mr. COLFAX,] has suggested that under the provisions of this bill slaves may be seized and sold as other property, and of course the price of their blood brought into the Treasury of the nation.

Mr. BINGHAM. With the gentleman's permission, I will ask him a question. I want to know whether the word property is not used in the Constitution as it is used in this bill? Is it not so used in the forfeiture statute touching the revenue laws? Is it not so used in the prize laws? Any court of the United States, under those laws, authorizes the forfeiture and sale of property.

Mr. DUNN. I believe the Supreme Court has decided something of that kind; but as I am not upon the Judiciary Committee, I will not undertake to say how that is.

Mr. COLFAX. My colleague did exactly state my position. I stated that by the first section we forfeited all their property; that by the second section we declared the proceedings to be in the United States courts, and that under their orders the property might be sold. I stated that the courts might, though I do not believe they would, decide that slaves are property; that they decided very much in that way in the Dred Scott case; and not being willing to entrust them with that decision, and fearing that they might decide so, I was not willing to put myself in the position of being arraigned for voting for a bill having such an effect.

Mr. BINGHAM. I ask the gentleman from Indiana [Mr. DUNN] to answer himself the question whether that which is property under the Constitution cannot be held everywhere in every State under the Federal law, in spite of every State constitution?

Mr. DUNN. I think the House will agree that the Supreme Court has decided this question, and decided it very much as stated. If the question were decided as indicated in the Dred Scott case, it would be decided that slaves were property, and men, women, and children might be sold and bought under process of the court and the provisions of this bill. I do not believe that decision was right.

Mr. BINGHAM. I supposed not.

Mr. DUNN. I am not willing to trust the court in relation to this question of slavery, because very much of the trouble in which we are now involved may be attributed to the fact that we had a pro-slavery judiciary. The Supreme Court of the United States, in giving the intimations they did in the Dred Scott case, brought the great weight of their authority to bear upon public opinion on the side of slavery. The weight

of that authority was at the time very great, though subsequently it was not so great. If they had not brought the force of that authority to bear upon public sentiment, we might not have had the trouble we have to-day. They informed the people of the South that the North was endeavoring to invade their rights; and we in Indiana had to strike for the rights of free labor and free soil through the shield of the Supreme Court, and we struck manfully and struck to the death.

Mr. Cox. I desire to say that it has been decided by the Supreme Court that execution goes out of United States courts against property which the laws of the State regard as property.

Mr. Dunn. We are wandering from the subject before the House.

Mr. Mallory. I desire to state to my friend that in the State of Kentucky, under process of United States courts, slaves have been sold to satisfy claims of the United States in that State, and that the money was put into the United States Treasury.

Mr. Bingham. Will my friend be good enough to tell me where that decision is?

Mr. Mallory, I did not refer to a decision; I referred to facts which have occurred in the history of the United States more than once.

Mr. Dunn. I cannot consent to have this cross discussion during my remarks. What I desire is this: I want to call this House to a halt upon this great measure. I want consideration; I want deliberation; I want discussion. I am opposed to bringing in a bill of so much importance and pressing it straight through. Gentlemen may say that we have had an opportunity to examine this bill. That may be so; but we have so much other business that we cannot always examine bills when we would like to. I like many of the features of the bill introduced into the Senate by the Senator from Ohio, [Mr. Sherman.] I like the discrimination which it makes between the deluded people and those who deluded them. I want the men who wear stars and eagles and shoulder straps, men who are called *honorable* in their sham confederacy, and every man that has sworn to support the constitution of their usurpation, to be put beyond the pale of repentance and mercy—I will not say repentance, but mercy.

Mr. Lovejoy. I want to say to the gentleman that it is hardly in accordance with Scripture to put a man beyond the pale of *repentance*. [Laughter.]

Mr. Dunn. I have already so qualified my too hasty remark, and I will qualify it still further by saying for them what I would say for the worst criminal, that I do not want them put beyond the pale of mercy, but I want them to have to look to the next world for it.

The bill introduced into the Senate by the distinguished Senator from Vermont [Mr. Collamer] has much in it worthy of the favorable consideration of this House. If time and deliberation are given to this matter, some measure that will be proper and useful can certainly be devised, some measure that will not strengthen, unite and consolidate the rebellion by declaring in advance to the masses of the people involved in it that the triumph of our arms will be their certain, hopeless, and irretrievable ruin.

Ever since the unhappy controversy commenced that now distracts our country, and has arrayed its sections into hostile armies, I have made it my purpose "to follow after the things that make for peace." Peace could not be secured by compromise, because the rebels wanted no compromise. They wanted an independent government. They might possibly have been satisfied by the abject submission of the North to their will and policy. This,

of course, could not be granted. Now we are at war, and there is no way left but to fight it out. On with the armies, then, and let might and the God of battles settle the right. I have no doubts about the result. The rebels will be vanquished, will be subjugated to the just authority of their Government. It will be time enough for us then to lay upon their shoulders the weightiest share possible of the heavy burdens their iniquitous rebellion has caused. Let us avail ourselves of the usual rights of war, and, if thought best by the President, subsist our armies in the rebel States on the rebel property. In the mean time let us not, by any too violent legislation, throw difficulties in the way of securing peace. My heart's desire is to see our people reunited in fraternal bonds as they were in the days of our fathers, and the great energies of this nation, now devoted to mutual destruction, restored to those peaceful pursuits in which our conquests were rapidly making us the greatest power on the globe.

Sir, do we fully realize our high responsibilities? We are the representatives of more than thirty millions of people, and the legislators for a country capable of supporting a greater population than has ever before been under one government. I shall never forget the impression of the greatness of my country made on my mind, the first day I took my seat in this House, as I listened to the roll-call of the States and Territories. Commencing in Maine, first answered the Representatives of the people of New England, so distinguished for their education, their enterprise, their commerce, and their manufactures; next answered New York, an empire herself, through her thirty three Representatives; and then Pennsylvania, the keystone of the Federal arch; and then, sweeping down the Atlantic coast, came the answers from that land of sunshine and flowers, where the cotton-bloom whitens their broad acres, and where grow the sugar cane and rice. Then came the roll-call up the great valley of the Mississippi, and from that valley and the valleys of all its tributaries, extending from the Gulf of Mexico to the northern lakes, were heard the responses of the Representatives of the people of great States and Territories; but still the roll-call proceeded, and bounding over the Rocky mountains, called upon the States on the Pacific coast, and they answered through the Representatives of California and Oregon. Again there was a call, and the Delegate from far-off Washington Territory answered the summons. Around me sat the Representatives of all the great material interests of our country; of the hardy seamen who spread their sails on every ocean, of the cotton and woolen manufacturers, of the cunning workmen in brass and iron, of the great railroad interests, of the agricultural products, of the cattle on a thousand hills, and of the mines of iron, gold, and silver in our mountains. On my right sat a Representative who, in his home at midsummer was chilled by the cold winds of the north, and on my left one around whose southern home the flowers bloomed throughout the year. Here sat another, from our farthest eastern coast, who looked upon the sun as he rose fresh from the Atlantic to run his daily course, and there another who looked upon that sun as his daily journey run, he gathered the robes of evening around him, and sunk to rest in the bosom of the Pacific. What a country! How great in extent! How vast in resources! what a variety of soil, climate, and production! This was my country; this is my country, and if any poor efforts or sacrifices of mine can secure so great a blessing, this, undiminished of its territory or power, shall be my country, and the country of my children, and of my children's children to remotest generations.

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